

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IVAN GALINDEZ,	§
	§
Defendant Below,	§ No. 225, 2023
Appellant,	§
	§ Court Below: Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. I.D. No. 1712008053 (N)
	§
Appellee.	§

Submitted: July 7, 2023
Decided: July 18, 2023

ORDER

On June 22, 2023, the appellant, Ivan Galindez, filed this appeal from a Superior Court order dated and docketed on November 18, 2022, that denied his motion for postconviction relief. A notice of appeal must be timely filed to invoke the Court's appellate jurisdiction.¹ Under Supreme Court Rules 6 and 11, a timely notice of appeal should have been filed on or before December 19, 2022. The Senior Court Clerk issued a notice directing Galindez to show cause why this appeal should not be dismissed as untimely. On June 29, 2023, the Court received the certified mail receipt indicating that the notice to show cause had been delivered on June 26, 2023. A timely response to the notice to show cause was due on or before July 6,

¹ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

2023. The appellant having failed to respond to the notice to show cause within the required ten-day period, dismissal of this action is deemed unopposed.

NOW, THEREFORE, IT IS ORDERED that the appeal is DISMISSED under Supreme Court Rules 3(b)(2) and 29(b).

BY THE COURT:

/s/ Abigail M. LeGrow
Justice